

**U.S. Department of the Interior
Bureau of Land Management**

Decision Record - Memorandum

**Cowhead Free-Use Permit Renewal
EA # DOI-BLM-CA-N070-2012-0206-EA**

April 2nd, 2013

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Surprise Field Office
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Cedarville, CA 96104
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Chapter 1. Cowhead Free Use Permit Renewal

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1.1. DECISION

It is my decision to authorize the non-exclusive Free-Use permit as described in Chapter 2, Proposed Action, of the Cowhead Free Use Permit Renewal Environmental Assessment. This permit would allow Modoc County to extract and process sand and gravel from the Cowhead Pit. The pit is located on the following land in Modoc County, California:

Mount Diablo Meridian

T. 47 N., R. 17 E., Sec. 19, SW1/4.

The permit authorization comprises approximately 6acres, more or less.

The authorization would be granted for a renewable 10-year term.

The permit would be made under the authority of and is subject to the terms and conditions in 43 CFR 3600.

Mitigation and reclamation measures are included in the Reclamation Plan dated September 1999 and the issued Free-Use Permit.

This decision is effective immediately.

1.2. LAND USE PLAN CONFORMANCE

This proposed action is subject to the following use plan(s): Surprise Resource Management Plan (RMP) and Record of Decision (ROD), approved on April 1, 2008.

The proposed action has been determined to be in conformance with this plan as required by regulation (43 CFR 3600).

1.3. RATIONALE FOR THE DECISION

An EA was written analyzing the impacts of the action on issues/resources that were identified through both internal and external scoping. Based on the impact analysis there was a Finding of No Significant Impact, therefore, an Environmental Impact Statement is not necessary.

1.4. Public Involvement:

The EA was made available for a 15 day public review and comment period beginning on April 2nd, 2013. The BLM received no comments. No additional impacts are anticipated.

1.5. ADMINISTRATIVE REVIEW PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR) Part 4, and the information provided in BLM Form 1842-1.

If an appeal is taken, your notice of appeal must be filed in the Surprise Field Office, Bureau of Land Management, U.S. Department of the Interior, 602 Cressler Street, Cedarville, CA 96104, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the board, pursuant to Title 43 of the Code of Federal Regulations, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

1.6. Standards to Obtaining a Stay:

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) the relative harm to the parties if the stay is granted or denied,
- (2) the likelihood of the appellant's success on the merits,
- (3) the likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) whether the public interest favors granting the stay.

CONTACT PERSON

For further information regarding this project please contact, Dan Ryan, at (530) 279-2719.

1.7. Authorizing Official:

Tim Burke
Field Manager

Date